



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

May 11, 2017

Mr. and Mrs. Malcolm
Owner
Malcolm's Dog Rescue
120 Princeton Drive
Midway Park, NC 28544

Notice of Warning

Re: Violation of Title N. C. General Statute § 19A-26

AWS-WL-2017-8

Animal Shelter: Malcolm's Dog Rescue

Dear Mr. and Mrs. Malcolm:

The Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") opened an investigation into the potential operation of an unregistered animal shelter, Malcom's Dog Rescue ("the shelter"). AWS Animal Health Technician Patricia Sholar ("Inspector Sholar") visited the shelter on April 6, 2017 to discuss the operation of the shelter. At that time, Inspector Sholar notified you of the need to register the shelter with AWS.

In addition, during the visit on April 6, 2017, Inspector Sholar directed you to submit the application for the animal shelter registration to the AWS office within 10 working days of that visit. She left a copy of the NC Animal Welfare Act and its associated rules.

If you have decided to close your animal shelter facility, please let us know so we can update our records. If you plan to continue operation as an animal shelter, please submit the completed animal shelter registration application immediately so that we can continue with the registration process. If you need the application form, it can be found on the AWS website at the following link:

<http://www.ncagr.gov/vet/aws/documents/SCANNEDApplicationFormShelters2016.pdf>.

Until such time that this facility has a valid AWS animal shelter registration, Malcolm's Dog Rescue is directed to cease operations as an animal shelter and find suitable accommodations for any animals currently in the care and custody of this facility.

Failure to abide by this directive shall be considered to be a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Under N. C. General Statute §19A-40, violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a long horizontal line extending to the right.

Patricia Norris, DVM, MS
Director, Animal Welfare Section
Veterinary Division, NCDA&CS

cc:

Dr. R. Douglas Meckes, DVM, State Veterinarian, NCDA&CS
Joseph Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)